

AO 247 (02/08) Order Regarding Motion for Sentence Reduction

## UNITED STATES DISTRICT COURT

for the

SOUTHERN DISTRICT OF NEW YORK

USDC SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 5/15/08

United States of America )

v. DANIEL COOPER )

Case No: 96CR. 279 (RMB)

USM No: 39384-054

Date of Previous Judgment: 10/21/1997

(Use Date of Last Amended Judgment if Applicable)

LEONARD E. JOY, ESQ.

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 168 months is reduced to time served.

## I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 35Amended Offense Level: 33 RMBCriminal History Category: ICriminal History Category: IPrevious Guideline Range: 168 to 210 monthsAmended Guideline Range: 135 to 168 months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☒ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

## III. ADDITIONAL COMMENTS

See transcript of proceedings held on April 1, 2008 and May 15, 2008 for a complete record.

Except as provided above, all provisions of the judgment dated 10/21/1997 shall remain in effect.

IT IS SO ORDERED.

Order Date: 5/15/2008Effective Date: 5/29/2008  
(if different from order date)

RMB

Judge's signature

Richard M. BERMAN

Printed name and title United States District Judge